

March 22, 2010

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
MARCH 22, 2010

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
FRANCIS BEDETTI, JR.  
JAMES DITTBRENNER

ALSO PRESENT: ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

NICOLE JULIAN  
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY  
LEN MCDONALD

REGULAR MEETING

MR. KANE: I'd like to call to order the March 22, 2010  
meeting of the New Windsor Zoning Board of Appeals.

APPROVAL OF MINUTES DATED MARCH 8, 2010

MR. KANE: Motion to accept the minutes of March 8 as  
written.

MR. DITTBRENNER: So moved.

MR. BEDETTI: I'll second it.

ROLL CALL

March 22, 2010

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MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. KANE	AYE

PRELIMINARY\_MEETINGS:

\_\_\_\_\_  
ANTHONY\_BECKER\_(SKIN\_CITY\_TATTOO)\_(10-07)  
\_\_\_\_\_

MR. KANE: Tonight's first preliminary meeting Anthony Becker, Skin City Tattoo request for two facade signs 3 foot by 15 foot a variance for an additional facade sign and sign height for each sign and a 5 foot width or each sign at 356 Windsor Highway in a C zone.

Mr. Anthony Becker appeared before the board for this proposal.

MR. KANE: For anybody in a preliminary meeting the way the Town of New Windsor works is that we have two meetings, we have a preliminary meeting and by law New York State every decision we make has to be made in a public meeting. So we get with the prelim we get a good idea of what you want to do and if you need more information or we need more information gives us the ability to do that. Other towns hold one meeting, if you're not prepared, you lose. That's why we do a two step process. So what you want to do is give your name, address, speak loudly for the young lady to hear you.

MR. BECKER: Home address or work?

MR. KANE: Work address.

MR. BECKER: Anthony Becker, 356 Windsor Highway, Skin City Tattoos, New Windsor, New York 12553.

MR. KANE: So you want to tell us what you want to do?

MR. BECKER: I want to add the other sign on the south side of the building, I believe same size sign as the one in the front.

MR. KANE: Is the facade sign already up, one of them?

MR. BECKER: Yes, they're actually both up.

MR. KANE: So do you want to replace the 2.5 by 10 with a 3 foot?

MR. BECKER: Yeah, that's what it is now, it's actually longer, it's longer and taller than what it's supposed to be. There were the signs that were on the building previously and we had just thought that we were able to put those back up the way they were so they had been hand painted and put back up unknowing that there was, you know, I needed to get a variance for that. We weren't aware of it.

MR. KANE: Where is the second facade? You guys moved, right, you used to be up over here and you moved down where State Farm used to be?

MR. BECKER: We were there, we moved to where the old State Farm was, now we're across from Allstate across from Napoli's, we're at that building now. This is our third move in New Windsor.

MR. KANE: Tell me where both facade signs are.

MR. BECKER: The one is, well, that would be the east side of the building I believe and is this the south, I'm gonna say.

MR. KANE: Okay, used to be a bakery?

MR. BECKER: Cooks Kitchen.

MR. KANE: Alright, I know where it is. Okay, and a reason for having the second sign?

MR. BECKER: Well, we have traffic coming both ways, you wouldn't be able to see us coming one way, we have a corner spot there and I think it's for business cause

you'd go right by our building if you didn't see that facade.

MR. KANE: Further questions from the board?

MR. DITTBRENNER: Just want to be clear as to which facade, here's the parcel, the one facade sign is here, are you talking about on this side or the back side of the building?

MR. BECKER: That's 32 right here, the one facade sign would be right here on the corner and then catty-corner right there to it.

MR. KANE: Do you have that picture?

MR. DITTBRENNER: We have it, just wanted to make sure we're talking about the same side of the building.

MR. KANE: The sign's internally illuminated?

MR. BECKER: They're not illuminated now, they do have lighting but as of right now, the lighting doesn't work, I would like to illuminate them.

MR. KANE: If and when I does work and it's available would that be any kind of flashing illumination?

MR. BECKER: No, that's just--

MR. KANE: Steady internal?

MR. BECKER: It's not internal, two flood lamps on each side and there's two flood lamps, one for, two flood lights for each sign.

MR. KANE: Okay, further questions?

MR. BEDETTI: You said these are, these two signs that you're gonna have or you're proposing are replacements

for signs that were there before?

MR. BECKER: They're actually the wood from the same signs that were there repainted.

MR. BEDETTI: So they're the same size signs?

MR. BECKER: They're exactly the same as the previous owner, tenants, whatever you want to say.

MR. BEDETTI: Should we assume that they had variances at one point?

MR. KANE: Be interesting to check, doublecheck to see if there was a permit or a variance on those signs, maybe they were grandfathered in, if the size remains the same and there was either a variance which I think if there was the building department should of picked it up but you never know or even some kind of previous permit for those kind of signs. Let's check into that for him too.

MS. JULIAN: Okay.

MR. KANE: Further questions?

MR. BEDETTI: No.

MR. KANE: I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Anthony Becker on the Skin City Tattoo with a request of two facade signs at 356 Windsor Highway in a C zone as requested.

MR. DITTBRENNER: I'll second that.

ROLL CALL

MR. DITTBRENNER      AYE

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MR. BEDETTI                    AYE

MR. KANE                      AYE

MR. KANE:    Okay.

MS. JULIAN:    You're gonna take this.

MR. BECKER:    And there will be a public hearing?

MR. KANE:    Yes, that's what we set it up for, we got enough information. There might be further questions at that point the public will be involved, we'll open it up to them, if there's anybody here for that particular hearing we'll have a discussion with them and render a decision and this will tell you everything that you need to do.

MR. BECKER:    Thank you so much.

MR. KANE:    You're quite welcome. Have a good evening.

MR. BECKER:    You too.

JAMES\_REYNOLDS\_(10-08)\_PRICE\_CHOPPER

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MR. KANE: James Reynolds Price Chopper request for variance for proposed 3 foot 6 inch by 37 foot 6 3/4 inch wall sign which will exceed maximum permitted length of 10 feet at 115 Temple Hill Road in a C zone.

MR. RAYNOLDS: Good evening, I've got a couple of--

MR. KANE: Your name?

MR. REYNOLDS: My name is James Reynolds, I'm an architect that has been engaged by VGR Associates, the owner of Price Chopper Plaza, I'm here for a signage variance on a building sign and principally it involves issue about the length of some lettering. Dollar Tree is the tenant that wants to occupy the bulk of what was the former Eckerd's space and they have their own corporate signage, they have different formats but what they'd like to do is to be able to have something that's a visual indication about where their occupancy is and reflects roughly what their overall frontage width is on the plaza. As part of that application, we have submitted graphics for the plan and for principally for that front elevation, it's a freestanding cutout letter that, not a freestanding but it's applied to a track and given 42 inch height which is allowed by the code that would generate I think it's 37 foot 6 inch length approximately 37'6" length. Just to give everybody an idea about what that would look like, this is the, between my fingers is the width of the frontage on the store and the green lettering of course that's an accurate reflection 42 inches high and 37 feet long. The entire occupancy has about something over 14,000 square feet so it's not the primary occupant of the plaza but it's a secondary occupant and as such, it's, I don't know if you'd call it an anchor but it's a significant draw in what otherwise is a vacant space.



MR. KANE: Internally illuminated?

MR. REYNOLDS: Yes.

MR. KANE: Non-flashing?

MR. REYNOLDS: Non-flashing.

MR. KANE: While these gentlemen are looking, I've got a huge problem with a 75 percent increase on the sign on the length or the width so for the public hearing, just warn you be prepared to address that, see if there's maybe an alternate sign that's going to be a little smaller. Again, it's a 75 percent increase basically over what we have, that's huge, absolutely huge. So we can set this out the way it is, the way you have written right now as the maximum and then if you want be prepared in a meeting if there's something smaller that you want us to consider at that time. That's my feeling, it's not a vote but I like to warn people that they're gonna hear my mouth a little bit later on.

MR. REYNOLDS: Well, I can certainly contact through the landlord contact Dollar Tree and find out if they're willing to accept something smaller.

MR. KANE: That's why I mention it so nobody's caught short with that. Further questions, gentlemen?

MR. BEDETTI: Yeah, just expand on that, if there's no compelling reason for it to be that size, I mean, we've had people come in and say well, our supplier insists that it's that size because whatever cause what's left is you have other store owners that have complied with the Town Code and now does that mean they're gonna come in and now want a bigger sign also.

MR. KANE: Or some reasonable increase that they got because of the situation of that particular store,

we'll look at everything, we don't knock everything down but--

MR. REYNOLDS: Just as a point of reference, the Price Chopper Supermarket that's the primary tenant there in that plaza has a sign that it's their corporate logo, they have a combination of cutout letters and I guess their Price Chopper plaza hatchet and that sign is significantly larger. And so you know there are, I don't have to point too many fingers around in town where there's signs that are longer than 10 feet for I'd say significant commercial occupancies and this is what I will say is the Dollar Tree is very concerned, they're very much aware of the relative importance of having a visual indicator about where their store is and they've got some kind of a visual presence for people driving by or people using the plaza.

MR. DITTBRENNER: Is the code specific in its measurements relative to the width of the building, square footage of the facade at all?

MR. KANE: If I remember correctly, there's a formula for coming off the distance of the road that indicates the sign. We'll take a look at what those numbers are.

MR. DITTBRENNER: Based on the size of the Price Chopper sign in that complex, larger sign if there's some formula that may be acceptable as opposed to the width of the sign for this particular store.

MR. REYNOLDS: I don't want to quote chapter and verse here but my understanding is that within a certain distance from the principal street frontage it's 30 inches high by 10 feet long, if you're more than 300 feet from frontage then you can go to 42 inches high and the length I'm not as certain if you can go to 15, I don't know if you can help me out Nicole, I might be able to put my finger on that, the length requirement.

MR. DITTBRENNER: We'll research it.

MR. KANE: We'll have the numbers for you and the store is a good distance from the road, there's no doubt about that, just looking at the numbers 75 percent is big, 70, 75 percent so we just want to look at it again to make sure you're prepared for a public hearing, that's all.

MR. DITTBRENNER: The other question I have is this a franchise requirement? I know a lot of franchised operations have very specific marketing criteria and signage criteria.

MR. REYNOLDS: They do and it's, there are terms that are written into the lease, they had originally requested a 48 inch bigger sign than what's here, we have already been one round through the landlord with respect to code and they have come back and said this is what we'd like, you know, I would follow it up based on the response maybe this evening to find out if they would sign off on something smaller.

MR. KRIEGER: Couple things, first of all, you should be aware when you're contacting the Dollar Tree that there's a built-in problem with respect to when you come in front of any board and say that there's some outside agency that's going to dictate to you what through the applicant what has to happen, the telling is done here, not there, it's up to these members of this board to decide.

MR. REYNOLDS: I understand.

MR. KRIEGER: Well, it should be emphasized when you're talking to the people at Dollar Tree they don't get to make the final decision. With respect to some of the things that the members have brought up with respect to distances, sight lines and so on and as you've cited with respect to size for the purpose of preliminary

hearing this discussion is fine. For the purpose of final, I would suggest that you want to have more specific answers to those questions.

MR. REYNOLDS: With respect to overall length?

MR. KRIEGER: Yeah, and how far away it is from adjacent roadways, some way away doesn't do it for a public hearing.

MR. REYNOLDS: It's in excess of 300 feet.

MR. KRIEGER: You'll need some specific answers and ditto with the sign if you're going to come in and say that there are others which is certainly a reasonable part of the presentation that there are other signs in that plaza, I doubt whether the board is terribly concerned about whether there are other signs five miles away but when you're talking about, when you're talking about--

MR. REYNOLDS: A quarter of a mile away in Big V and Hollywood Video that's 5,000 square feet, it's less than half the size of the sign and it has facade signs that are on three sides of the building that are larger than what we're proposing here.

MR. KANE: Just to answer that--

MR. KRIEGER: Just you'll need some specific answers.

MR. KANE: Each place is taken on its own merit, to use examples from some other building or some other site that you want to prove your point with not going to work with the board, as far as I know you need to come with specific examples why your sign is correct for your situation, I think that's the best way to go.

MR. REYNOLDS: I'd like to have it judged on merits.

MR. BEDETTI: I'd like to quote from the permitted accessory sign here in the code, the standard size is not to exceed 2 1/2 feet high and 10 feet wide. If it's greater than 300 feet from the street property line then the maximum height can be increased to 3 1/2 feet and it doesn't increase the length.

MR. KANE: Okay, we'll get into all that at the public hearing.

MR. BEDETTI: That's 345.2 (a) and (b).

MR. REYNOLDS: Okay, I wasn't so far off there.

MR. KANE: All set guys? I'll accept a motion.

MR. DITTBRENNER: I would move that we forward the application of James Reynolds representing Price Chopper for a requested variance for proposed facade sign of 3 feet 6 inches by 37 feet 6 3/4 inches at 115 Temple Hill Road in a C zone.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

\_\_\_\_\_  
JAMES REYNOLDS (09-39) PRICE CHOPPER  
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MR. KANE: Tonight's public hearing James Reynolds Price Chopper request for variance for proposed freestanding signs that will exceed maximum size of 64 square feet and maximum number of freestanding signs permitted at 115 Temple Hill Road in a C zone. Is there anybody here for this particular hearing? Anybody wishing to comment on this hearing? Seeing as there is none, we don't need to send anybody out.

MR. REYNOLDS: I have a letter I guess that I'd like to submit.

MR. KANE: Usually what we do up front we ask if there's anybody out there, we can send the paper out to get the name and address for the stenographer. The public portion will open later and you can submit whatever.

MR. REYNOLDS: So we had I guess met some months ago, two months or so regarding freestanding signage for the same plaza and our, in our initial proposal we were proposing two new freestanding monument signs, they are I believe the code reads that they with planning board site plan review two freestanding signs are allowed if they're in excess of 300 feet apart. We haven't been to the, we haven't presented to the planning board with respect to that particular issue. The initial comments from the preliminary were I believe primary concern was with the number of freestanding signs existent on the plaza and the cumulative total, you know, once, you know, including this proposal. We have been back, I have been back to the owner and the leasing agent with response to those initial comments. There's absolutely no problem to remove, the landlord has responded there's no problem to remove one of those freestanding signs, I believe it's an Allstate Insurance sign that's

located on Route 300, there's a difficulty. There's an impediment for the landlord with regards to the Advanced Auto sign and contractually they're not in a position where they could remove that but we have tried to pick up I guess on some of the comments and we would certainly propose and be willing, the landlord would be willing to make whatever reasonable aesthetic upgrades to that sign right now, it's, well, I think as Paul Beichert from Timely Signs, said it's a popsicle stick, said it's a sign on a stick. I've got traffic here, I don't know if you've got something bigger, Paul, but this is the existing Advanced Auto and we could gussy it up a little bit by putting it on an enhanced base, column base and as well as what's not reflected here but we'd certainly be willing to consider would be to put a landscaped island.

MR. KANE: Something to protect the pole from being backed into because right now there's nothing.

MR. REYNOLDS: Maybe some striping.

MR. KANE: I don't think that's gonna stop them.

MR. REYNOLDS: Right, so I don't know if there's any other questions that the board may have.

MR. KANE: So as far as freestanding signs then you would like to keep the Automotive one on 94 by the entrance by their building?

MR. REYNOLDS: Yes.

MR. KANE: You want to put the new monument sign up just by the first entrance just passed the restaurant?

MR. REYNOLDS: But there's two primary entrances on 300.

MR. KANE: Well, this is 94.

MR. REYNOLDS: Beg your pardon, I misspoke, 94.

MR. KANE: Then over on 300.

MR. REYNOLDS: There are also two entrances but we're only talking about one additional, the Allstate sign is that one right there.

MR. KANE: And so that would, that's the four freestanding signs, there's another one, right?

MR. REYNOLDS: There's another one here by the bank which is, it's also a monument sign, it's a smaller sign. In my reading of the minutes from I want to say it was the planning board, I was not at the planning board meeting, I think they did a preliminary review, I think the comment was that the bank sign because it's not right on the principal thoroughfare that it's adjacent to the building it's a smaller bank, it's an attractive monument sign, that that was not as much of an issue with respect to I'll say impeding sight lines or creating any kind of visual conflict on the corridor.

MR. KANE: I don't have any problems with the monument signs that are going up personally and with the improvements on the Automotive sign the condition is that we get a safety thing built around that, I have no problem with that and then we're taking down the Allstate one.

MR. REYNOLDS: Just to give you, I don't know if this is too small and you can see it but this is the 94 sort of shot in the background is the Advanced Auto and this is the other entrance that we'd be proposing the monument sign right here in the foreground.

MR. KANE: Questions, gentlemen?



MR. KRIEGER: So it's two on 94 and one on 300?

MR. REYNOLDS: There's an existing Advanced Auto sign on 94.

MR. KANE: One existing on each, one new one on each?

MR. REYNOLDS: Correct.

MR. KANE: Questions, gentlemen?

MR. BEDETTI: Let me understand this, there's a contractual problem with the Advanced Auto sign removing that sign?

MR. REYNOLDS: As best as I can maybe paraphrase the dialogue, Advanced Auto is feeling the economic pressure, there's a new auto store that's coming right across the street, they did go through a variance procedure for as I'm aware of, this is before my tenure, but for that Advanced Auto sign and I guess retailers and I think it's echoed in the letter that I want to submit from the landlord that retailers are very concerned with how much signage they can get up because it has a real impact on viability of the business. So Advanced Auto has a contractual item in their lease agreement with the landlord that stipulates that they have a right to their own freestanding sign and they have gone and they have gotten that variance and it's going to be very difficult for the landlord to get rid of that because they'd have to risk losing the tenant.

MR. KANE: Questions, Jim? At this point, I'll open it up to the public, ask if there's anybody here for this particular hearing? Seeing as there's not, we'll go back to Nicole, ask her how many mailings we had.

MS. JULIAN: On the 8th day of March, 2010, I mailed out 40 addressed envelopes with no written response.

MR. REYNOLDS: I don't know if it matters, I got one of them back undelivered.

MR. KANE: Yeah, you need to turn that back in and then there was something that you wanted to submit also.

MR. REYNOLDS: Sure, this is a letter from Donna Goddard from Goddard Development, she's also the landlord's agent, read it if you'd like.

MR. KANE: Please.

MR. REYNOLDS: "Dear Mr. McGuire", Mr. McGuire is the representative from VGR Associates, owners of the plaza, "Dear Mr. McGuire: We have spoken several times in the past regarding the desperate need for signage at the above-mentioned shopping center in New Windsor, New York. As landlord of the Price Chopper Supermarket, our tenant has asked for pylon and monument signage that would help direct customers into the center and identify Price Chopper as the anchor and the names of the tenant roster for the rest of the center as well. Clear identification identifying the anchor and smaller tenants creates an identity for the center and clearly identifies the ingress-egress points for safe passage into and out of the center on both New York State Route 94 and Route 300 Temple Hill Road. This center is truly at a disadvantage with the competing centers in the area since it does not have any pylon signage identifying the anchor and the majority of the small tenants. There is an issue with Dunkin Donuts and the Indian restaurant blocking the visibility of the Price Chopper and the tenants need every advantage available to optimize their presence in the market and encourage customers to shop in the center. We would strongly encourage that you speak with the Town of New Windsor on our behalf and gather the approvals necessary to have the pylon monument sign at both New York State Routes 300 and 94 entrances as depicted on the

renderings you submitted for approvals. Thank you.  
Donna Goddard."

MR. KANE: Okay, as far as the pylon signs, the monument signs, the signs will not interfere with the safe operation of motor vehicles in any way?

MR. REYNOLDS: That's our earnest effort when we have raised the initial proposal had a solid base and after discussions with the Town engineer his suggestion was to raise the signage such that there would be a visual opening at vehicular level so that, so I think the original what you've got a copy of there was the original.

MR. KANE: Now we have an opening going through.

MS. JULIAN: It's on the board.

MR. REYNOLDS: I'll turn that.

MR. DITTBRENNER: What's the height of the road, from road surface to the base of the sign?

MR. REYNOLDS: To the base of the sign?

MR. DITTBRENNER: The base of the interior section there.

MR. REYNOLDS: Four feet I believe the opening is shown as four feet high, there's a I'll say a fieldstone planter base that's indicated, I don't know if that's 16 or 18 inches high.

MR. BEICHERT: Let me just take a look at it, that's probably about 18 inches if you go with some low lying landscape materials in there in terms of bushes, I mean, that visually is kind of, I don't think, I'd go more than 12 to 14 inches for the stone base, just more of a decorative element. If need be, you can eliminate

the stone base and just go with a mulch planting bed with flowers that would increase it but I just think that the stone looks nice.

MR. KANE: I think the stone base gives it more protection. Any easements running through where you plan on putting the monument signs?

MR. REYNOLDS: That's a good question. The town would like to upgrade a sewer main that comes I believe directly underneath one of these signs, the one on Route 300, whether there's an easement I believe they're looking for in terms of an easement and I don't think--

MR. KRIEGER: There's an existing one.

MR. REYNOLDS: Well, nobody from, anecdotally what I've heard from the landlord they've been looking for it for some months and they're not aware of it but there's an easement on the property but not where the other sign, it's toward the rear, there's a, I believe there's a Central Hudson easement and I think the New York aqueduct probably comes close as well, if I can show you on the site plan there. On the rear of the property here there's, this is behind the Price Chopper plaza, the sewer main or the forced main is right here and think it runs right along the 300 corridor and the town engineer mentioned that as well, we'd certainly just like to be aware of when that work is taking place and I think the town's been in contact with the landlord, landlord has no problem with the town.

MR. KANE: But there is not a current easement with that?

MR. REYNOLDS: Well, I'd certainly like to get--

MR. KRIEGER: That you know of?

MR. REYNOLDS: That I'm aware of.

MR. KANE: That's what we need to know, not what a future plan that the town would do, we can't judge on that as far as that. Cutting down any trees, substantial vegetation in the building of the monument signs?

MR. REYNOLDS: There's one tree that I understand is a DOT tree, I spoke with the town engineer about it, it's regarding this sign here, it would make that sign more visually evident if that were removed, town engineer said he didn't think the town would have a problem with that.

MR. KANE: Creating water hazards or runoffs in the building of this?

MR. REYNOLDS: No.

MR. KANE: And how are the signs illuminated, the monument signs?

MR. BEICHERT: Internally.

MR. KANE: Non-flashing?

MR. BEICHERT: Non-flashing.

MR. KANE: Questions?

MR. BEDETTI: I have more of a comment than a question. I really like that style sign that you have and the fact that you're going to be putting that at two entrances, I think that's this type of plaza it actually enhances everybody's options for coming on both roads. I think that if you're going to, you're presenting this you have the risk of those other signs working that may work against you relative to this approach. Personally, I would hate to see the thing

fail because of those other signs because I think that's the right approach.

MR. REYNOLDS: Thank you for the positive comment there. I would agree with you, I mean, just generally anecdotally, the landlord did make an offer, I represented initially that if the town were prepared to grant approval for this that at such time that the lease expires or that there's a change in tenant that they would remove that sign and not look to keep it there in that form upon a new lease signature of a new lease.

MR. DITTBRENNER: The lease you probably haven't seen the lease but the lease allows for a freestanding sign for that particular store. The landlord's providing not only one but now two if these signs are approved. See, I'll be I guess more frank than Frank and say that I have a real problem with the Advanced Auto continuing to have that freestanding sign there. I think it's not going to be in the same character and nature as this sign, it's one additional sign on that property, it's less than 100 feet apart from this monument sign, you know. I think we were specific in asking that the landlord clean up the sign and we're allowing the bank to keep their sign which is illuminated and not more than 100 feet. We've got all the directional signage there. The only thing they gave up was taking down the Allstate sign. And frankly, Allstate has the smallest signage on the entire complex and I don't think that we have any control over mandating that but I think that, you know, that issue for me makes it difficult to be in support of something like this.

MR. KANE: Okay, so let's make it even more complicated. What we normally like to do in these situations is basically tonight we're missing two of our members which means that if you don't get a unanimous vote this evening, you lose. So what we normally do in this circumstance we offer to table the

vote until the next meeting where our other members are here, they'll read up on the minutes, we can add a couple more questions, won't be reopened to the public and if they have any further questions, they'll ask them at that time. And then we can do a vote at that time which might be more fair than with a reduced board. So the offer is there, it's totally up to you, we just try to be fair.

MR. REYNOLDS: Well, I appreciate you're speaking frankly and--

MR. DITTBRENNER: Let me, just hear me clearly, I love the signs, I absolutely agree, I think it's a huge improvement to that complex, provides greater visibility for the retailers.

MR. REYNOLDS: We're trying to move in the right direction, can't turn the ship too fast.

MR. DITTBRENNER: The light levels of all the signage that's in that corridor, when we had the snow storm and we had the outage and I drove up to the property that I have and saw that entire area blacked out and then the next night seeing it all lit up, it really hits you as to how much signage is lighted in that little corridor and this is a great solution. But we asked for removal of some of the ancillary and repetitive signs around the property.

MR. REYNOLDS: I hope that we're moving in the right direction and certainly would hope that this is, that the limitations that are existent there would not hold us back from hopefully being able to move forward with things that the town wants to see happen.

MR. KANE: So--

MR. REYNOLDS: Okay, thank you.

MR. KANE: Is that what you want to do is we'll table the vote right now till the next hearing when we have a full board?

MR. REYNOLDS: Based on what I'm hearing that I think that would make sense.

MR. KANE: You need a majority vote which is three votes.

MR. KRIEGER: Five members show up, you need three votes, three members show up, you need three votes.

MR. REYNOLDS: That would be the next meeting?

MR. KANE: That would be the next meeting, that's correct.

MR. REYNOLDS: I think that's more than fair.

MR. KANE: I'll take a motion to table the issue for right now and then we can make a formal declaration when we have the board as to what we're voting on.

MR. DITTBRENNER: So moved.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. KANE	AYE



DAVID\_ & ROBERTA\_SHORT\_(10-06)

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MR. KANE: Tonight's last public hearing is David and Roberta Short, single family dwelling with sunroom. The required side yard is 20 feet, required rear yard is 50 feet. The existing sunroom is 15 feet from the side property line and 22 feet from the rear property line. A variance of 5 feet side yard and 28 foot rear yard is requested at 87 Blanch Avenue. Same as the preliminary, state your name, address, speak loudly enough for the young lady to hear you. And I'll just ask first if there's anybody here that's going to wish to speak in the public portion of the meeting?

MR. WEBB: My name is Robert Webb speaking on behalf of the Shorts that are at 87 Blanche Avenue, New Windsor.

MR. KANE: Tell us exactly what you want to do.

MR. WEBB: They have an existing structure that was built with the house I believe in 1977, '78, it's a roofed screened-in porch in the back. What they'd like to do is put a three season room in there. They'd like to increase the width by 6 feet as you're looking at it from the front to the, so the right gable end would be increased by 6 feet, the rear would be increased by 2 feet, no bathrooms, no heat, it's a three season room.

MR. KANE: Cutting down any trees, substantial vegetation in the building of this?

MR. WEBB: Nothing, it's clear all the way around.

MR. KANE: Creating any water hazards or runoffs?

MR. WEBB: Nothing. Anything that comes from Cedar down there there's an extension that goes down the street that's picked up by the town so anything during the initial excavation it's going to go down the street.

MR. KANE: Any easements running through the area?

MR. WEBB: I just checked the original deed, there's no easements or right-of-ways on that property.

MR. KANE: At this point what I'm going to do is open it up to the public, see if there's anybody here that wants to speak at this particular meeting? So we'll close the public portion of the meeting and bring it back to Nicole.

MS. JULIAN: On the 9th day of March, 2010, I mailed out 66 addressed envelopes with no written response.

MR. WEBB: We did have one return, is that correct, the owner doesn't have it here right now but it was returned undeliverable.

MR. KANE: If you can just drop that off to Nicole so she can put it in the file.

MRS. SHORT: Okay.

MR. KANE: Have there been any complaints about the sunroom formally or informally over the last how many years?

MR. WEBB: To my understanding, no.

MR. KANE: And with the addition going on, will it keep the home similar in size and nature to other homes that are in your neighborhood?

MR. WEBB: A lot of the homes if you go down the street I believe one gentleman there down the street it was originally a structure in I think a lot of the houses so you have, so they've re-sided, they're probably made small adjustments in terms of the rest of the neighborhood. Yes, they're trying to optimize some of

the space, they have an existing patio on the one side for the 6 feet trying to bring it up, break the square up, aesthetically make it look better than what it is.

MR. KANE: Still fits in with the rest of neighborhood?

MR. WEBB: Yes.

MR. DITTBRENNER: Are these variances requested on the proposed renovation and expansion of this existing sunroom?

MR. WEBB: It was on the original permit which gets turned down and that's kind of why I'm here but the original building permit--

MR. DITTBRENNER: Cause the way this reads is that you're requesting a variance on an existing sunroom that requires the follow variances. I just want to make sure that these variances will cover the expansion cause you're adding 6 feet one direction, 2 feet in the other.

MR. WEBB: Okay, if I understand what you're saying correctly that--

MR. DITTBRENNER: You're looking to expand that?

MR. WEBB: We're expanding an addition 6 feet, yes, and the additional 2 feet to the rear of the existing structure, that's correct.

MR. DITTBRENNER: Okay.

MR. KANE: Further questions?

MR. BEDETTI: Nothing.

MR. KANE: I'll accept a motion.

MR. BEDETTI: Would you propose to offer to them as in the previous application?

MR. KANE: Absolutely.

MR. WEBB: Oh, okay, to be honest with you, I don't hear any negative response. So I have no problem going with the board right now. I'd appreciate any kind of insight or whatever you have to offer.

MR. DITTBRENNER: Mr. Chairman, I move we approve the application of David and Roberta Short for variances requested on existing sunroom that they wish to renovate and expand. Variances requested are for side yard setback of 5 feet and rear yard setback of 28 feet.

MR. BEDETTI: I'll second that motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. KANE	AYE

FORMAL\_DECISION

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HANNA  
RIVERA  
CLASSIC HOME BUILDERS  
SABINI  
YANNONE  
TORPEY

MR. KANE: Decisions, we have formal decisions to vote on, do you want to take them en masse? I'll accept a motion.

MR. DITTBRENNER: I move we approve the formal decisions listed on the agenda for Hanna, Rivera, Classic Home Builders, Sabini, Yannone, Torpey and Moroney.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn.

MR. BEDETTI: So moved.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE

March 22, 2010

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

